

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DONALD C. HUTCHINS

Plaintiff

V.

CARDIAC SCIENCE, INC.

Defendants

Civil Action: 04-30126-MAP

**DEFENDANT COMPLIANT CORPORATION'S MOTION FOR LEAVE TO FILE
INSTANTER REPLY IN SUPPORT OF MOTION TO STRIKE AMENDED
COMPLAINT**

On August 2, 2006, Plaintiff, Donald C. Hutchins, purported to file an Amended Complaint. On August 16, 2006, Defendant, Compliant Corporation, filed a Motion to Strike that Amended Complaint. Hutchins then filed his Memorandum in Opposition to Compliant's Motion to Strike on August 23, 2006, in which he alleged the existence of a conspiracy and the performance of "malicious acts" against him by Compliant's attorneys. Specifically, Hutchins alleged that a state court in Ohio had "recognized [Compliant's] injudicious acts" and ordered sanctions against Compliant and its attorneys. However, the order of sanctions, which likely was the result of a clerical error, has been vacated. Thus, in order to respond to Hutchins' scandalous allegations, Compliant respectfully requests leave to file the instanter Reply in Support of its Motion to Strike.

Respectfully submitted,

s/ Jeffrey J. Lauderdale

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